

## REMARKS/ARGUMENTS

### INTRODUCTORY COMMENTS

Initially, Applicant thanks the Examiner for the detailed Official Action that has been provided. Upon entry of the above amendment, minor formal amendments to claims 17, 23, 29, and 30 will have been made, and arguments will have been presented to the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

### SUMMARY OF THE OFFICIAL ACTION

Turning to the merits of the action, claims 17-20, 23, 26, 29, 30 and 31 stand rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 5,960,442 to PICKERING. Claims 22, 25, 27, and 28 stand rejected under 35 U.S.C §103(a) as being unpatentable over PICKERING in view of U.S. Patent No. 7,012,708 to TAMARU et al. Claims 24 and 27 stand rejected under 35 U.S.C §103(a) as being unpatentable over PICKERING in view of TAMARU and U.S. Patent No. 6,853,714 to LILJESTRAND et al. Applicant respectfully traverses the grounds of rejection for the reasons to be discussed below.

### AMENDMENTS TO THE CLAIMS

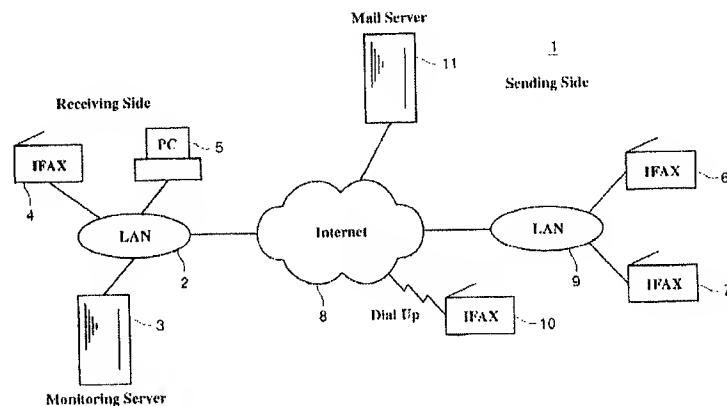
As noted above, Applicant has made some relatively minor formal amendments to claims 17, 23, 29, and 30 which improve the clarity and readability of the claims. Applicants respectfully submit that the amendments do not substantially affect the scope of the claims and the Examiner is respectfully requested to enter the claim amendments. Applicant respectfully

traverses the above rejections based on the amended claims, and will discuss the rejections with respect to the amended claims.

### APPLICANT'S CLAIMED INVENTION

Applicant's invention, as defined by the claims, generally relates to a transmitting apparatus 6 or 7 which communicates with a receiving apparatus 4. For the convenience of the Examiner, FIG. 1 of the present application is reproduced below:

Fig. 1



According to a disclosed embodiment of the presently claimed invention, the receiving apparatus 4 exchanges data with a monitoring apparatus 3 that monitors a status of the receiving apparatus 4. The monitoring apparatus 3 is distinct from the receiving apparatus 4. The transmitting apparatus 6 or 7 includes a receiver that receives, from the monitoring apparatus 3, status information of the receiving apparatus 4, and a memory that stores the status information of the receiving apparatus 4. The transmitting apparatus 6 or 7 further includes a controller that checks the status information of the receiving apparatus 4 stored in the memory of the transmitting apparatus without accessing the monitoring apparatus 3 when destination information of the

receiving apparatus 4 is input for a transmission of transmitting data to the receiving apparatus 4. The controller notifies a user of the transmitting apparatus 6 or 7 of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. The controller additionally transmits the data to the receiving apparatus when the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

### THE PICKERING PATENT

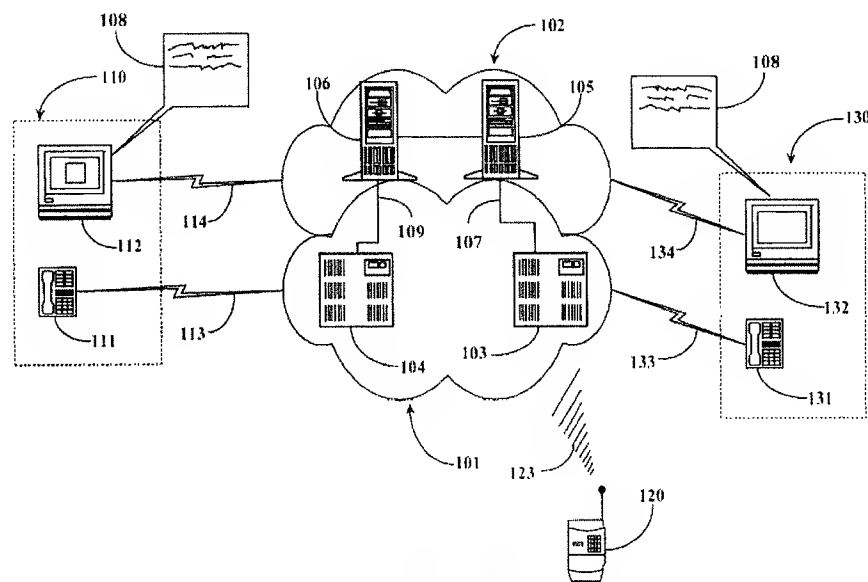
With respect to the rejection of claims 17-20, 23, 26, 29, 30 and 31 under 35 U.S.C. §102(e), Applicant submits that PICKERING relates to an interactive directory that is provided for a workstation connected to a video monitor, and an interactive display displays the status for the individual entities. For the convenience of the Examiner the interactive display interface of FIG. 2 of PICKERING, is reproduced below:

	1	2	3	4	5	6	7	8
	Interactive Directory							
A	Name	First Name	Primary #	Second #	Home #	Mobile 1 #	Mobile 2 #	Status
B	Doe	John	██████	765-4321	723-4567	<del>888-1234</del>	777-1234	Busy
C	Doe	Jane	555-1234	555-4321	800-8888	888-7654	777-9876	██████
								Return 8/18/97
D	Duck	Duff	666-1234	666-4321	555-1234	888-9876	777-7654	██████
								011-65-555-1234
	XXXX	XXX	XXX-XXXX	XXX-XXXX	XXX-XXXX	XXX-XXXX	XXX-XXXX	XXXXX

*Fig. 2*

Entities, such as John Doe, Jane Doe, etc., are listed in the display along with the status for each entity. At least one remote access contact phone number is stored and associated with each directory entity.

The interactive display interface of PICKERING is adapted for use in a computer-telephony environment of the type illustrated in FIG. 1 of PICKERING. For the convenience of the Examiner, FIG. 1 of PICKERING is reproduced below:



*Fig. 1*

Workstations 110, 130 access status information from network sources associated with individual directory listings of FIG. 2. For example, real time interactive display (“RTID”) application 108 executes on PC 112. A user at workstation 110 selects a name among the list displayed at PC 112, such as, for example, John Doe. The RTID application 108 provides the remote source for real-time information for John Doe. In this case, the remote source is a computer telephony integration (“CTI”) application running on server 105. The RTID application 108 accesses the CTI server 105 over the Internet and negotiates for access to

information on John Doe's status. When access is granted, status information on John Doe is passed over the Internet to PC 112 at station 110 (see, for example, col. 5, lines 12-24 of PICKERING).

#### THE REJECTION OF CLAIMS 17 AND 29 UNDER 35 U.S.C. §102

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. § 2131; M.P.E.P. § 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn. Applicant submits that PICKERING fails to disclose at least the claimed controller that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies, a user of the transmitting apparatus, of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. Instead, Applicant submits that PICKERING merely teaches that the RTID application 108 executing on PC 112 accesses CTI server 105 over the Internet, and negotiates for access to status information on a desired entity, and the status information on the entity is passed over the Internet to PC 112 at station 110. In other words, Applicant submits that PICKERING merely teaches that PC 112 accesses CTI server 105 for status information on a desired entity, and receives the status information on the entity from CTI server 105.

Applicant respectfully submits that PICKERING also fails to disclose how the status information is used after the reception of the status information. Therefore, Applicant submits that PICKERING does not contain any disclosures regarding a controller that checks the status

information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus.

PICKERING also does not notify a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

Contrary to the assertions made in the Official Action, independent claims 17 and 29 are not anticipated by PICKERING. The presently claimed invention, as defined by independent claims 17 and 29, is directed to a transmitting apparatus which checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. The transmitting apparatus also notifies a user of the transmitting apparatus, the status information of a receiving machine prior to (e.g., before) transmitting the transmitting data to the receiving apparatus. The transmitting apparatus transmits the data to the receiving apparatus when the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

In the presently claimed invention of independent claims 17 and 29, the monitoring apparatus is distinct from the receiving apparatus. As a result, the user of the transmitting apparatus of the present invention can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive the transmitting data. Applicant submits that PICKERING fails to teach or even suggest at least these features of the presently claimed invention. Accordingly, Applicant submits that PICKERING fails to anticipate the presently

claimed invention, as PICKERING fails to teach each and every feature recited in Applicant's claims.

In the view of the above, Applicant submits that the rejection of claims 17-20, 23, 26, and 29-31 upon 35 U.S.C. §102(e) is not sustainable. Accordingly, the Examiner is respectfully requested to withdraw the rejection.

THE REJECTION OF CLAIMS 22, 25, 27 AND 28 UNDER 35 U.S.C. §103(a)

With respect to the rejection of claims 22, 25, 27, and 28 under 35 U.S.C. §103(a), Applicant submits that TAMARU et al. fail to disclose that which is lacking in PICKERING. TAMARU et al. is directed to a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus and that transmits, to the receiving Internet facsimile apparatus, a predetermined notice indicating that the transmitting Internet facsimile apparatus has transmitted the e-mail directed to the receiving Internet facsimile apparatus. As the Examiner acknowledged in the Office Action, TAMARU et al. merely teaches that an IFAX, on a transmitting end, transmits a mail transmission notice to an IFAX, at the receiving end.

Applicant submits that TAMARU et al. fail to disclose (or even suggest) a controller that checks status information of a receiving apparatus stored in a memory of a transmitting apparatus without accessing a monitoring apparatus, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. Instead, Applicant submits that TAMARU et al. merely disclose a transmitting Internet facsimile apparatus that transmits, to

a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus as well as transmits, to the receiving Internet facsimile apparatus, a mail transmission notice. Thus, Applicant submits that TAMARU et al. fails to teach, for example, checking status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, as well as notifying the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

Further, Applicant submits that TAMARU et al. fails to disclose (or even suggest) a controller that transmits data to the receiving apparatus when it is determined that the receiving apparatus is available, based on status information of the receiving apparatus stored in the memory of the transmitting apparatus. Rather, Applicant submits that TAMARU et al. merely disclose a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus as well as transmits, to the receiving Internet facsimile apparatus, a mail transmission notice. Thus, Applicant submits that TAMARU et al. fails to disclose or suggest the transmission of data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. Applicant thus submits that TAMARU et al. does not contain disclosure about certain features of the present invention, nor are such features suggested by the applied document.

Accordingly, Applicant submits that even if one attempted to combine the teaching of PICKERING with the teaching with TAMARU et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at



least, a transmitting apparatus that checks status information of a receiving apparatus stored in a memory without accessing a monitoring apparatus (the monitoring apparatus being distinct from the receiving apparatus), when destination information of a receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. The combination would also not notify the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of the transmitting data to the receiving apparatus. Further, Applicant submits that such a combination would also lack, at least, a transmitting apparatus which transmits data to the receiving apparatus, when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

Therefore, Applicant submits that the suggested combination of PICKERING and TAMARU et al. fails to render the presently claimed invention, as defined by claims 22, 25, 27, and 28 obvious, and thus, respectfully requests that the 35 U.S.C. §103(a) rejection of claims 22, 23, 27 and 28 be withdrawn.

With respect to the rejection of claims 24 and 27 under 35 U.S.C. §103(a), Applicant submits that LILJESTRAND et al. fail to disclose that which is lacking in PICKERING and TAMARU et al. LILJESTRAND et al. is directed to an apparatus and method for providing transparent enhanced telecommunications services to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network.

Applicant submits that LILJESTRAND et al. fail to disclose (or even suggest) a controller that checks status information of a receiving apparatus stored in a memory of a transmitting apparatus without accessing a monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus.

There is also notification to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. Applicant submits that LILJESTRAND et al. does not contain disclosures regarding a monitoring apparatus that monitors a status of the receiving apparatus. Thus, Applicant submits that LILJESTRAND et al. fails to disclose a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, as well as a memory that stores the status information of the receiving apparatus. For this reason, Applicant submits that LILJESTRAND et al. fails to disclose a controller that checks status information of a receiving apparatus stored in a memory of a transmitting apparatus without accessing a monitoring apparatus, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, as well as a controller that notifies a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

Accordingly, Applicant submits that even if one attempted to combine the teaching of PICKERING with the teaching with TAMARU et al. and LILJESTRAND et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, a transmitting apparatus that checks status information of a receiving apparatus stored in a memory without accessing a monitoring apparatus (the monitoring apparatus being distinct from the receiving apparatus), when destination information of a receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and further, notifies the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of the transmitting data to the receiving apparatus. Therefore, Applicant submits that the suggested combination of PICKERING,

TAMARU et al. and LILJESTRAND et al. fails to render the presently claimed invention, as defined by claims 24 and 27 obvious, and thus, respectfully requests that the 35 U.S.C. §103(a) rejection of claims 24 and 27 be withdrawn.

### **SUMMARY AND CONCLUSION**

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application in due course.

Further, pursuant to M.P.E.P. §714.13, Applicant submits that the present amendment places the application in condition for allowance, or alternatively, in better condition for appeal. Further, the amendments to the claims do not require further search and/or consideration, and no additional claims have been added. Thus, Applicant submits that entry of the presently submitted amendment is appropriate, and respectfully requests the entry of the present amendment.

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has done so. Applicant has amended the rejected claims for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out patentable features thereof and has contrasted features of the pending claims with the disclosures of the references. Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application, and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

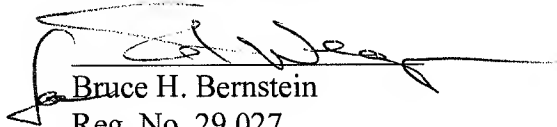
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be

considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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